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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 JOHN MARK VAN DEN HEUVEL,

12 Plaintiff,

13 v.

14 ADAM CLARK,

15 Defendant.
16

No. 2:23-CV-0708-KJM-DMC-P

ORDER

17 Plaintiff, who is proceeding pro se, brings this civil rights action pursuant to 42
18 U.S.C. § 1983.

19 On April 26, 2023, the Court directed Plaintiff to resolve the fee status for this case
20 within 30 days. Plaintiff was warned that failure to resolve the fee status may result in dismissal
21 of this action for lack of prosecution and failure to comply with court rules and orders. See Local
22 Rule 110. As of June 6, 2023, Plaintiff had not complied, and the Court issued findings and
23 recommendations that this action be dismissed for lack of prosecution. On June 30, 2023,
24 Plaintiff filed objections to the Court's findings and recommendations indicating that she had not
25 received the Court's order. Plaintiff also submitted a notice of change of address. Thereafter,
26 Plaintiff filed a motion for leave to proceed in forma pauperis in compliance with the Court's
27 April 26, 2023, order. Good cause appearing therefor, the June 6, 2023, findings and
28 recommendations will be vacated. Plaintiff's motion for leave to proceed in forma pauperis will

1 be addressed separately.

2 Accordingly, IT IS HEREBY ORDERED that the findings and recommendations
3 issued on June 6, 2023, are VACATED.

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5 Dated: August 25, 2023

A handwritten signature in dark ink, appearing to read 'Dennis M. Cota', written over a horizontal line.

DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE